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9-20-03

PATENT APPLICATION  
Mo-6935  
LaA 34,765

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION OF

FRIEDRICH JONAS ET AL

SERIAL NUMBER: 10/057,027

FILED: JANUARY 24, 2002

TITLE: ELECTROLUMINESCENT  
ARRANGEMENTS

) GROUP NO.: 1774

) EXAMINER: DAWN L. GARRETT

**RESPONSE**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

This is in response to a restriction requirement under 35 USC 121 as follows:

- elect 1*
- I. Claims 1-6, drawn to a dispersion, classified in class 525, subclass 186.
- II. Claims 7 and 8, drawn to an electroluminescent arrangement, classified in class 428, subclass 690.

A separate Petition for Extension of Time is being filed simultaneously herewith such that this Response will be considered timely filed.

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Godfried B. Akorl Reg. No. 28,779  
Type or print name of person signing certification

Signature  
September 15, 2003

Date

The restriction is based on the grounds that the inventions are distinct, each from the other because of the following:

"Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP§806.04(b), 3<sup>rd</sup> paragraph), and the species are patentably distinct (MPEP§806.04(h)). In the instant case, the intermediate product is deemed to be useful as a dispersion for something other than an electroluminescent device such as an electrochromic device and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants."

The Examiner continues with the statement of the rejection by stating that:

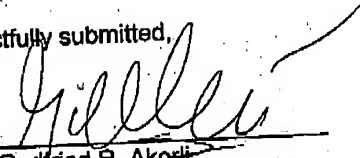
"Although not set forth in the claims, it is understood by way of the specification the dispersion comprises particles in a liquid such as water or solvent. The liquid itself is not present in the final product."

Applicants provisionally elect with traverse the claims of Group 1 wherein R1 and R2 are hydrogen.

The traversal is based on the grounds that a search of claims of Group 2 would involve the search of the claims of Group 1. Hence it would be administratively more expedient to search and examine all the claims at the same time.

Respectfully submitted,

By

  
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Mo-6936

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## Bayer Chemicals Corporation

### Fax Coversheet

Date: September 15, 2003

Number of pages (including this page) 5

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U.S. Serial No. 10/057,027  
Response/EOT

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